

Remarks

Claims 1-28 are pending in the application. Claims 1-4, 10-13 and 25-28 stand rejected. Claims 5-9 stand objected to. Claims 14-24 stand restricted. Claims 1, 5-7, 9 and 25 have been amended. Claim 27 has been cancelled. No new matter has been added by those amendments.

Election/Restrictions

Applicant elects, *with traverse*, Group I (claims 1-13). Reconsideration of the Restriction Requirement is requested in view of the following remarks.

The present claims have been restricted into four groups: Group I (claims 1-13); Group II (claims 14-22); Group III (claims 23); and Group IV (claims 24).

Applicant respectfully submits that the restriction is improper. A restriction requirement is proper only if the following two conditions are met: (1) the inventions are independent or distinct as claimed, *and* (2) there would be a serious burden on the examiner if restriction is not required. *See* MPEP 803. With respect to the first element, the Office Action merely states that four groups are “independent or distinct because they require at least different functionality.” That was the extent of the reasoning. The Office Action does not provide reasoning and/or examples of why this alleged different functionality renders the claims independent or distinct. *See* MPEP 803 (Guidelines, requiring examiners to “provide reasons and/or examples to support conclusions”). As a result, the Office Action fails to show the first element.

With respect to the second element, the Office Action fails to provide any evidence that there would be a serious burden on the examiner if a restriction is not required. Each of the groups are directed to methods of performing preliminary flashing for a camera, the methods each including measuring a first and second average brightness based on readout pulses. In other words, each of the groups are in the same field of endeavor. The Office Action did not, and likely could not, show that each of these groups require “separate classification, or separate status in the art, or a different field of search.” As a result, the Office Action fails to show the second element.

Because the Office Action fails to establish a *prima facie* case for the restriction requirement, Applicant respectfully submits that the claims of Groups II - IV should be rejoined for examination on the merits.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 5 – 9 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 5, 6, 7, and 9 have been rewritten in independent form to include all of the limitations of the base claim from which they originally depended, *i.e.*, claim 1. Claim 8 depends from the now independent claim 7. Applicant respectfully submits that claims 5 – 9 are now in condition for allowance.

Rejections Under §102(b)

Claims 1-4, 10, 11, 13 and 25-28 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated under 35 U.S.C. §102(b) by U.S. Patent No. 5,539,456 to Ishii. Applicant respectfully traverses those rejections.

Ishii fails to disclose the steps recited in claim 1 of “*measuring* a first average brightness at time t2” and “*measuring* a second average brightness at t4.” To measure an average brightness, two things need to be done. First, an accumulated charge must be collected, and second, the accumulated charge must be measured. Ishii merely discloses the first step, collecting an accumulated charge. That is, Ishii fails to disclose the step of measuring the accumulated charge, which is what is presently claimed. Because Ishii fails to disclose the “*measuring*” elements of claim 1, the Applicant respectfully submits that the claim 1 is not anticipated by Ishii.

Assuming *arguendo* that Ishii does disclose *measuring* of the average brightness, Ishii still fails to disclose each and every element of claim 1, which has been amended to include the steps of “comparing the first average brightness with an upper limit and comparing the second average brightness with a lower limit.” Ishii fails to disclose such steps. In fact, Ishii does not disclose comparing any brightness to an upper limit or a lower limit let alone disclose

comparing a first average brightness to an upper limit and a second average brightness to a lower limit. Therefore, Applicant respectfully submits that claim 1 is not anticipation by Ishii.

Claims 2-4, 10, 11, and 13 depend directly or indirectly from claim 1. In view of the allowability of claim 1, Applicant respectfully submits that claims 2-4, 10, 11, and 13 are therefore also allowable. For the reasons that follow, certain of the dependent claims recite additional features of the claimed device that further distinguish over the asserted prior art. The arguments with respect to the dependent claims should not be construed as limiting the scope of the independent claim 1.

With respect to claim 2, the Office Action asserts that Figure 10 of Ishii discloses that the rising edge of the readout signal pulses are generated after the falling edge of the vertical sync signals. This is not true. At best, Figure 10 shows that the rising edge of the readout signal pulses are generated simultaneously with the falling edge of the vertical sync signals. If two things occur simultaneously, one cannot occur *after* the other. Therefore, Ishii fails to disclose the element of claim 2 that recites “the rising edge of the readout signal pulses are generated *after* the falling edge of vertical sync signals.” For this reason, Applicant respectfully requests that the rejection of claim 2 be withdrawn.

With respect to claims 3 and 4, as discussed above, Ishii fails to disclose *measuring* the average brightness at times t2 and t4 and instead only discloses *collecting* the accumulated charge. Because Ishii fails to disclose measuring the average brightness at times t2 and t4, it simply cannot disclose measuring the average brightness exactly at time t2 and exactly at time t4. For this reason, Applicant respectfully requests that the rejection of claims 3 and 4 be withdrawn.

With respect to claims 10 and 11, the Office Action asserts that Figure 10 discloses performing main flashing because Figure 10 includes a second strobe emission. This assertion is incorrect. The second strobe emission is not a main flash. Rather, it is merely a separate setting (“Strobe Mode” at a 1/250 shutter speed). The break in the horizontal grid lines clearly show that the Figure is intended to represent two separate settings, “Normal Mode” at 1/125 shutter speed and “Strobe Mode” at a 1/250 shutter speed. Because Ishii fails

to disclose a main flashing as recited in claims 10 and 11, Applicant respectfully requests that the rejection of those claims be withdrawn.

Applicant respectfully submits that claim 25 (as amended), is allowable because it recites an additional feature not disclosed in Ishii, namely, “the rising edge of each read-out signal is generated after the falling edge of each vertical sync signal.” This feature is incorporated from original claim 27, which is now canceled. In rejecting claim 27, the Office Action asserted that Figure 10 of Ishii disclosed this element, but this is not true. At best, Figure 10 shows that the rising edge of the readout signal pulses are generated simultaneously with the falling edge of the vertical sync signals. If two things occur simultaneously, one cannot occur *after* the other. Therefore, Ishii fails to disclose the element of claim 25 that recites “the rising edge of each readout signal is generated *after* the falling edge of each vertical sync signal.” For this reason, Applicant respectfully requests that the rejection of claim 25 be withdrawn.

Claims 26 and 28 depend from claim 25. In view of the allowability of claim 25, Applicant respectfully submits that claims 26-28 are therefore also allowable.

Rejections Under §103(a)

Claim 12 stands rejected under 35 U.S.C. §103(a) as allegedly obvious in view of Ishii and U.S. Patent No. 5,950,023 to Hara. Applicant respectfully traverses this rejection.

The Office Action asserts that Hara is merely added to show that it is well known to offset a main flash to about 0.75 second from a preliminary flash. However, Hara does nothing to remedy the deficiencies of Ishii discussed above, *e.g.*, Ishii’s failure to disclose a main flashing following a preliminary flashing as recited in present claims 10 and 11. Therefore, the combination of Ishii and Hara fail to disclose each and every element in claim 12. For at least this reason, Applicant respectfully submits that claim 12 is not obvious in view of the combination of Ishii and Hara.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the

In re Appln. of Seok-guon Lee
Application No. 10/731,861
Response to Office Action of September 21, 2007

Examiner, a telephone conference would expedite the prosecution of the subject application,
the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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